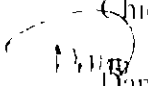




FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

memorandum

TO : Director, Reference Information Center
Chief, Wireless Telecommunications Bureau

FROM :  Daniel M. Armstrong
Associate General Counsel

SUBJECT : *Northpoint Technology, Ltd., et al. v. FCC & USA*, No. 03-1244 and *Northpoint Technology, Ltd., et al. v. FCC*, No. 03-1245. Filing of a Petition for Review and a Notice of Appeal in the United States Court of Appeals for the District of Columbia Circuit

DATE : September 10, 2003

This is to advise you that, on August 15, 2003, Northpoint Technology, Ltd., *et al.* ("Northpoint") filed a Petition for Review and a Notice of Appeal in the U.S. Court of Appeals for the D.C. Circuit, pursuant to 47 U.S.C. §§ 402(a) and (b), of the following order: *Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range, Amendment of the Commission's Rules to Authorize Subsidiary Terrestrial Use of the 12.2-12.7 GHz Band by Direct Broadcast Satellite Licensees and Their Affiliates, Applications of Broadwave USA, PDC Broadband Corporation, and Satellite Receivers, Ltd. to Provide a Fixed Service in the 12.2-12.7 GHz Band*, Fourth Memorandum Opinion and Order, ET Docket No. 98-206, RM-9147, RM-9245, FCC 03-97, 18 FCC Rcd 8428 (2003).

Northpoint challenges the Commission's rejection of a petition for reconsideration of the Commission's decisions to dismiss applications filed by Northpoint for certain wireless spectrum, and to award those licenses by auction.

The Court has docketed these cases as Nos. 03-1244 and 03-1245. The attorney assigned to handle the litigation of these cases is Joel Marcus.